

SEP 17 1984

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1983

O

STATE OF NEW JERSEY

Petitioner,

v.

T.L.O., a Juvenile

Respondent.

O

ON WRIT OF CERTIORARI
TO THE SUPREME COURT
OF NEW JERSEY

O

MOTION FOR LEAVE TO FILE BRIEF
AS AMICUS CURIAE AND REQUEST
FOR RELIEF FROM LATE FILING

O

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NO. 83-712

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,

The undersigned Los Angeles County Public Defender's Office respectfully requests leave of this Court to file a brief as amicus curiae on behalf of respondent in the above-entitled case. Consent to this has been obtained from respondent; petitioner has not directly responded to the request for consent.^{1/}

The undersigned counsel requests leave to file the amicus curiae brief in this case because he has a position to advance to this Court which has not been advanced by the parties or other amici. The undersigned feels that the flexible approach to the application of the Fourth Amendment to school searches which he

1 The undersigned has made numerous telephone calls to counsel for petitioner and has sent a letter explaining his interest in the matter and a form for counsel for petitioner to complete granting consent. Neither the telephone calls nor the form have been returned. One of counsel's for petitioner subordinates informally told the undersigned that any consent would have to come from petitioner's counsel directly and that he had not theretofore given consent to any other potential amici. That subordinate did not know how petitioner's counsel would feel about the instant request.

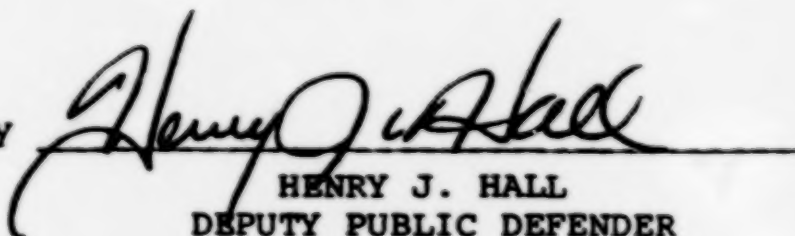
advocates, and which has been adopted by the American Bar Association, is a concept which more adequately accommodates the competing interests involved in school searches than the approaches advanced by the parties and other amici and is worthy of this Court's consideration. The interest of the undersigned in the issue of this case is set forth in the brief itself.

The undersigned also respectfully requests leave of this Court to file this motion late; the briefs themselves were submitted in a timely manner. When the briefs were submitted to this Court, the undersigned was still hopeful that consent would be obtained from petitioner. While the undersigned has still not been told that consent would not be forthcoming, petitioner's counsel's failure to respond to numerous telephone calls and a letter demonstrates that consent is unlikely. This motion would have been filed with the brief had petitioner's position been clear at the time. However, the undersigned, in recognition of this Court's preference for consent and out of consideration for petitioner's

counsel, hoped that consent would be forthcoming. 2/ That hope was apparently in vain and the undersigned now requests that this court allow the filing of the brief in this case, recognizing the efforts made to obtain consent and the fact that petitioner's counsel apparently will not communicate with him.

Respectfully submitted,

WILBUR F. LITTLEFIELD, PUBLIC DEFENDER
OF LOS ANGELES COUNTY, CALIFORNIA

By 
HENRY J. HALL
DEPUTY PUBLIC DEFENDER

Attorneys for Amicus Curiae
in Support of Respondent

2 The experience of this Office has
been that parties never refuse consent.